

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 786 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MARTAJI SOMAJI

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

MS KN VALIKARIMWALA, APP for Respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 28/07/97

ORAL JUDGEMENT

Rule. Service of rule waived by Ms. K.N. Valikarimwala, Ld. A.P.P. for the respondents.

2. Heard. The report of the concerned jail authority of the respondents indicates that the prisoner was released on parole for 15 days on 29/4/1996 on account of the cause of the prisoner's son's marriage.

Ultimately it was found that the prisoner had obtained parole by showing false cause. That is how the jail punishment of forfeiture of 10 days' remission was imposed. On account of the aforesaid jail punishment the prisoner was not granted his furlough having fallen due on 21/4/1997, as the prisoner's jail conduct was not good and as in the recent past he had obtained parole by showing false cause.

3. I have heard learned advocate for the petitioner. In view of the facts of the case and bearing in mind the conduct of the petitioner, this petition cannot be entertained. Hence, rule is discharged.

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